

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TEDDY ARCHER, TREY BERNADOU,)
 SEDETRIC CHAMBLISS, BRODRICK)
 FRANCIS, JAMES HUTCHINSON, DANIEL)
 MANOFSKY, DEVON SPRINGER, ERIC)
 STEWART, ANDREW WALLS, CALVIN)
 WESLEY, AND CHRIS WOODRUFF, ET AL.,)
)
 Plaintiffs,)
)
 v.)
)
 DEFENDERS, INC.,)
)
 Defendant.)
)

Civil Action No.: 1:18-cv-00470-SB

SEVENTH AMENDED SCHEDULING ORDER

WHEREAS, this is a wage-hour case that is currently conditionally certified as a collective action under the Fair Labor Standards Act (“FLSA”);

WHEREAS, in addition to FLSA claims, the named plaintiffs in this action bring Rule 23 class breach of contract and state law wage-hour claims;

WHEREAS, to date the named plaintiffs have not moved for Rule 23 class certification of their breach of contract or state law wage-hour claims;

WHEREAS, the Court's November 5, 2020 Fourth Amended Scheduling Order (Doc. 216) sets forth certain deadlines including, but not limited to, September 30, 2021, for discovery;

WHEREAS, the parties have exchanged expert and rebuttal expert reports and completed all expert depositions by the September 30, 2021 discovery deadline;

WHEREAS, the Fourth Amended Scheduling Order states that “[a]ll motions for decertification of the collective action and for class certification pursuant to Fed. R. Civ. P. 23

shall be filed and served by forty-five (45) days following the end of discovery,” but does not specify the order upon which the parties shall file their respective motions for decertification and certification or establish page limitations for such briefing;

WHEREAS, the Court’s Scheduling Orders in this case do not set forth a deadline for *Daubert* motions;

WHEREAS, the parties have conferred in good faith regarding the decertification, certification, and *Daubert* briefing and determined that it is necessary and beneficial to specify the forthcoming briefing schedule and limitations;

IT IS HEREBY STIPULATED, AGREED, AND ORDERED that:

1. **FLSA Decertification and Rule 23 Class Certification Briefs.**

A. All motions for decertification of the collective action and for class certification pursuant to Fed. R. Civ. P. 23 shall be filed and served on or before November 15, 2021. Any response to any motion for decertification or Rule 23 class certification shall be filed and served on or before January 12, 2022. Any reply in support of a motion for decertification or for Rule 23 class certification should be filed and served on or before February 2, 2022.

B. Opening and response briefs in support of decertification of the collective action and for class certification pursuant to Fed. R. Civ. P. 23 shall be limited to 60 pages. Reply briefs shall be limited to 30 pages.

2. **Daubert Motions.**

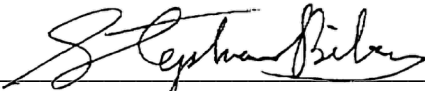
All *Daubert* motions shall be filed and served on or before February 9, 2022. Any response to any *Daubert* motion shall be filed and served on or before March 9, 2022. Any reply in support of a *Daubert* motion shall be filed and served on or before March 23, 2022.

3. **Trial.**

Pursuant to Local Rule 16.3, the parties shall submit a joint pretrial order to the Court following the Court's ruling on all decertification, certification, and dispositive motions.

4. **Remaining Deadlines.**

Unless otherwise modified by this Order, all deadlines set forth in the Court's Fourth Amended Scheduling Order remain in effect.



STEPHANOS BIBAS
UNITED STATES CIRCUIT JUDGE